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April 29, 2003

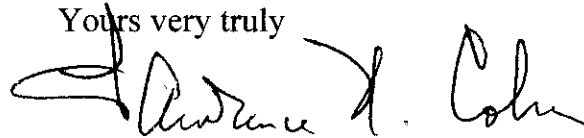
VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Dear Ms. Dortch

On behalf of Rawhide Radio, LLC, there are herewith submitted an original and four (4) copies of its Opposition to the Application for Review filed on April 14, 2003, by Charles Crawford regarding the Media Bureau's dismissal of his petition for rule making re: FM Table of Allotments at Harper, Texas (Channel 256A), by letter dated March 27, 2003.

Yours very truly


Lawrence N. Cohn

Enclosures

cc: Gene Bechtel, Esq. (w/encl.)

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OFFICE OF THE SECRETARY

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,) MM Docket No. _____
FM Broadcast Stations.)
(Harper, Texas))
)
To: The Commission)

Opposition

Rawhide Radio, LLC ("Rawhide"), by its counsel, pursuant to Section 1.115(d) of the Commission's rules, hereby submits this Opposition to the Application for Review ("Application") filed by Charles Crawford ("Crawford") on April 14, 2003, in the above-referenced proceeding. Crawford asks the Commission to reverse the Media Bureau's decision to reject Crawford's Petition for Rule Making requesting the allotment of Channel 256A to Harper, Texas ("Crawford Petition"). Rawhide opposes the relief sought by Crawford, and in support, states as follows.

The Media Bureau rejected the Crawford Petition because the proposal to allot Channel 256A to Harper conflicted with Rawhide's proposal to allot Channel 256A to Ingram, Texas, which Rawhide previously submitted to the Commission in its timely-filed Counterproposal in MM Docket No. 00-148, initially involving Quanah, Texas ("Counterproposal"). See Media Bureau letter dated March 27, 2003. As Crawford acknowledges, the legal issue presented by his Application in this proceeding is, except for the communities involved, the same legal issue as presented in Crawford's pleadings in two other FM rule making proceedings where Crawford's efforts to amend the FM Table of Allotments were rebuffed by the Commission because they

conflicted with other elements in Rawhide's Counterproposal in the Quanah rule making proceeding--i.e., MM Docket No. 01-131 (re: Crawford's proposal for Benjamin, Texas) and MM Docket No. 01-133 (re: Crawford's proposal for Mason, Texas). In the context of this proceeding, the legal issue is whether the Commission's refusal to accept the Crawford Petition to allot Channel 256A to Harper on the ground that it conflicted with an element of Rawhide's timely-filed Counterproposal in MM Docket No. 00-148, violated Crawford's rights to fair notice under the Administrative Procedure Act.¹

The issue has been fully briefed by the parties in the context of MM Docket No. 01-131 and MM Docket No. 01-133. As Crawford has incorporated by reference pleading which he filed in the Benjamin and Mason, Texas proceedings (Application, Paragraph 4), so too Rawhide hereby incorporates by reference its Opposition to Application for Review filed February 19, 2003, in those proceedings.

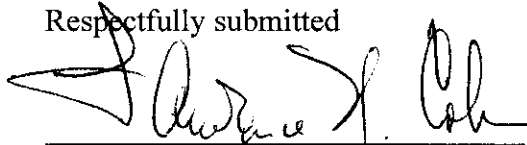
While there is no need to respond in detail to Crawford's Application, one comment in the Application does warrant a specific response--namely, the flagrant error in the second sentence of Paragraph 8. It asserts: "Mr. Crawford's Harper petition was filed long before the Quanah-proceeding 'comment date' and filing of the massive sixteen-step counterproposal." This is flat out wrong. The Crawford Petition to allot Channel 256A to Harper was filed with the Commission on May 7, 2001 (see Attachment), which was long after Rawhide filed its

¹ Crawford contends (Petition, page 1) that the "question presented" is whether he had "reasonable notice under FCC rules and practices that a previously filed petition to allot an FM channel to Quanah, Texas, posed a conflict with his petition to allot an FM channel to Harper, Texas." This is not correct. Since the proposal in MM Docket No. 01-148 to allot Channel 233C3 to Quanah does not in conflict with the proposal to allot Channel 256A to Harper, the mere filing of the Quanah petition, per se, obviously did not constitute notice to Crawford that there might be a conflict with the proposal for Channel 256A which he ultimately filed for Harper. What did constitute notice to Crawford were the Commission's issuance, in the response to the filing of the Quanah petition for rule making, of the Notice of Proposed Rule Making in MM Docket No. 01-148 (rel August 18, 2002), together with Section 73.208 of the Commission's rules. These authorities put Crawford on notice that if he intended to file an FM rule making petition for Harper, any delay in doing so was at his peril vis-a-vis an earlier and timely-filed conflicting counterproposal in MM Docket No. 01-148--for example,

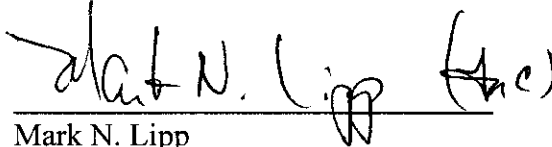
Counterproposal (which included the conflicting proposal to allot Channel 256A to Ingram) on October 10, 2000. In other words, it was Rawhide, not Crawford, who filed first (and in a timely manner vis-a-vis MM Docket No. 00-148), and this is precisely why the Media Bureau rejected Crawford's Petition for Rule Making to allot Channel 256A to Harper.

For the foregoing reasons, the Media Bureau's decision to dismiss the Crawford Petition to allot Channel 256A to Harper was correct under Commission precedent and law, and complied with the Administrative Procedure Act. Accordingly, the Media Bureau's decision to dismiss Crawford's Petition should be upheld, and Crawford's Application for Review should be denied.

Respectfully submitted



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Date: April 29, 2003

...Cont'd.

Rawhide's proposal to allot Channel 256A at Ingram, Texas, which was, in fact, later included in Rawhide's timely-file Counterproposal.

ATTACHMENT

DOCKET FILE COPY ORIGINAL

MAY 07 2001

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Before the
Federal Communications Commission
Washington, D.C. 20534

In the Matter of)
)
Amendment of 73.202 (b))
Table of Allotments)
FM Broadcast Stations)
(Harper, TX))

MM Docket No. _____

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 256A at Harper, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 256A to Harper, Texas, as that community's first aural broadcast transmission service. Harper had a 1998 population of 383 people. Harper is in Gillespie County which as a population exceeding 20,300. Harper has its own post office, its own schools, Harper Independent Schools, Fire Department and the First Baptist Church of Harper and St. Anthony's Catholic Church of Harper.

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Petition for Rule Making
Harper, Texas
Page 2

Attached hereto is as channel study confirming that Channel 256A can be allocated to Harper, Texas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). Note: Channel 256A was deleted at Camp Wood, Texas in MM Docket 99-214.

Reference coordinates are:

30 18 00 N
99 19 18 W

Should this petition be granted, and Channel 256A be allotted to Harper, Texas Petitioner will apply for Channel 256A, and after it is authorized, will promptly construct the new facility.

Respectfully submitted,

Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

Harper

CERTIFICATE OF SERVICE

I, Brenda Chapman, hereby certify that on this 29th day of April, 2003, a copy of the foregoing "Opposition to Application for Review" was delivered via first class U.S. mail, postage prepaid to the following:

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Brenda Chapman